U.S. Army Corps of Engineers

	CT OFFIC UMBER:	CE:	Galveston 14392(05)/1971			
Sta Cor Cer App Nar	te: unty: nter coordin proximate s	Texas Refugio nates of si size of are est waterw	a (parcel) reviewed ay: Copano Bay		of 58.2422; 97 12 36.1764 ng uplands: <u>0.059</u> acre.	
			RMINATION determination (s)	\boxtimes	Date: 21 June 2005 Date(s):	
Jur	isdictiona	l Determi	nation (JD):			
X ye (Dight)	United St	tates" and			on, \square there appear to be (or) \square there appear to be no "wate United States" on the project site. A preliminary JD is not appear to be no "water united States" on the project site.	
\boxtimes		d JD – An that appl	• •	appealab	ole action (Reference 33 CFR part 331).	
					States" (as defined by 33 CFR part 329 and associated guidan actional area: 0.059 acre.	ice) within
					s defined by 33 CFR part 328 and associated guidance) within anal area:acre	ı the
	There	are "isol			etate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination	ation of No
BASIS (A.	Waters of The prese	lefined ur ence of wa	ters that are subject	329 as "into the el	navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been port interstate or foreign commerce.	n used in
B.	(1) The p interstate (2) The p (3) The p sandflats, destruction (i) w (ii) f (iii) (4) Import (5) The p (6) The p	resence of or foreign resence of wetlands on of which are of which are undments resence of the contract of the	waters, which are a commerce, include interstate waters in other waters such, sloughs, prairie ph could affect interest or could be used by a fish or shellfish a or could be used for waters otherwish a tributary to a waf territorial seas.	c currently ding all wincluding as intrast ootholes, verstate con interstate are or cou for industrate de defined ater identi	as "waters of the United States": y used, or were used in the past, or may be susceptible to use in vaters which are subject to the ebb and flow of the tide. interstate wetlands. tate lakes, rivers, streams (including intermittent streams), must meadows, playa lakes, or natural ponds, the use, degradation numerice including any such waters (check all that apply): e or foreign travelers for recreational or other purposes. It is taken and sold in interstate or foreign commerce. It is waters of the US. ified in (1) – (4) above. r waters of the US, except for those wetlands adjacent to other	udflats, ion or

FILE NUMBER: 14392 (05)/1971

<u>L</u>	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
×	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	•
DATA I	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): **REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated
	FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Texas General Land Office, date unknown Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: (Date) Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

	UMBER: 14114(05)/843
Sta Cou Cer App Nar	CT LOCATION INFORMATION: te: Texas inty: Nueces ter coordinates of site (latitude/longitude): 27-41-18.1013 97-25-45.1616 broximate size of area (parcel) reviewed, including uplands: approximately 0.51 acres. the of nearest waterway: Oso Creek the of watershed: Oso Creek
	pictional determination mpleted: Desktop determination Site visit(s) Date: 24 June 2005 Date(s):
Jur	isdictional Determination (JD):
oğ.	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
\boxtimes	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: approximately 0.51 acre.
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS	OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. ⊠	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
	 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Directional drill under Oso Creek a water of the U.S. subject to the ebb and flow of the tide, also work will be done at part of the creek considered Section 10 by the Galveston District.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Latera C C C C C	FILE NUMBER: 14114(05)/843 al Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) brdinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: FILE NUMBER: 14114(05)/843
M C	lean High Water Mark indicated by:] survey to available datum; physical markings; vegetation lines/changes in vegetation types.
ı≛ W	etland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
☐ TI ☐ U: ☐ H: ☐ TI	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
Da Da Da Da Co U.S U.S U.S U.S U.S Ac Da Ac Da Co Da C	TIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): aps, plans, plots or plat submitted by or on behalf of the applicant. ta sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): ta sheets prepared by the Corps. rps' navigable waters' studies: S. Geological Survey Hydrologic Atlas: S. Geological Survey 7.5 Minute Topographic maps: Oso Creek NW , Texas G. Geological Survey 7.5 Minute Historic quadrangles: S. Geological Survey 15 Minute Historic quadrangles: DA Natural Resources Conservation Service Soil Survey: Nucces County tional wetlands inventory maps: Oso Creek NW, Texas MA/FIRM maps (Map Name & Date): D-year Floodplain Elevation is: (NGVD) rial Photographs (Date): vanced Identification Wetland maps: evisit/determination conducted on: plicable/supporting case law: ter information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers **DISTRICT OFFICE:** Galveston District FILE NUMBER: D-12802 PROJECT LOCATION INFORMATION: State: Texas County: Cameron 25-54-7.9860 97-22-0.0024 Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: approx. 0.028 acres. Name of nearest waterway: Rio Grande Name of watershed: Rio Grande JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 24 June 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.028 acres. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in

	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
8	(2) The presence of interstate waters including interstate wetlands ¹ .
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
28	(4) Impoundments of waters otherwise defined as waters of the US.
39	(5) The presence of a tributary to a water identified in (1) – (4) above.
Y4,	(6) The presence of territorial seas.
	(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Т	Annal Francis (F. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.
	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics destruction of terrestrial vegetation tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Palmito Hill U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute His

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-12803

· · · · ·	(0),102,1	5 1200			
PRO.II	ECT LOC	ATION	INFORMATION:		
	ate:	Texas			
	ounty:	Camer	on		
		dinates of	site (latitude/longitu	ıde):	25-50-59.0002 97-23-54.0156
Α	pproximat	e size of a	area (parcel) reviewe	d, including	g uplands: approx. 0.028 acres.
			rway: Rio Grande	,	
	ame of wa		Rio Grande		
			TERMINATION		
C	ompleted:	Deskto	p determination	\boxtimes	Date: 24 June 2005
		Site vi	sit(s)		Date(s):
Jı	urisdiction	al Deter	mination (JD):		
	Prelim	nary JD -	Based on available	information	, \square there appear to be (or) \square there appear to be no "waters of the
	_ United	States" a	nd/or "navigable wat	ters of the U	Inited States" on the project site. A preliminary JD is not appealable
	(Refere	ence 33 C	FR part 331).		
\triangleright				n appealable	e action (Reference 33 CFR part 331).
	Check	all that ap	pply:		
					*
					ates" (as defined by 33 CFR part 329 and associated guidance) within
	the rev	iewed are	a. Approximate size	e of jurisdic	tional area: 0.028 acres.
	T TI			74-427 (defined by 33 CFR part 328 and associated guidance) within the
	review	ed area. A	Approximate size of	jurisaiction	ai aica.
	The	ra ara "i	solated non-navigat	olo intra-sta	ate waters or wetlands" within the reviewed area.
		7 E 47 E 1.			NCC/Migratory Bird Rule Information Sheet for Determination of No.
			Jurisdiction.	. ca 0 j 0 1111	in to consider the state of the
BASIS	OF JUR	ISDICTI	ONAL DETERMI	NATION:	
					avigable waters of the United States":
					b and flow of the tide and/or are presently used, or have been used in
					ort interstate or foreign commerce.
	-		-		
					s "waters of the United States":
Σ	🚺 (1) The	e presence	e of waters, which ar	e currently	used, or were used in the past, or may be susceptible to use in
	_ intersta	ite or fore	eign commerce, inclu	ıding all wa	ters which are subject to the ebb and flow of the tide.
			e of interstate waters		
L					te lakes, rivers, streams (including intermittent streams), mudflats,
					et meadows, playa lakes, or natural ponds, the use, degradation or
					merce including any such waters (check all that apply):
					or foreign travelers for recreational or other purposes.
					d be taken and sold in interstate or foreign commerce.
<u> </u>					al purposes by industries in interstate commerce.
F			nts of waters otherwi		
				vater lucilli	ied in (1) – (4) above.
F] (0) III] (7) TL	presence	e of territorial seas.	at ² to other	waters of the US, except for those wetlands adjacent to other wetlands
L	i (/) in	presence	or wenanus aujacei	it to outer	waters of the Ob, except for those wertained adjacent to other wertained

	FILE NUMBER: D-12803							
	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)							
, id	Ordinary High Water Mark indicated by: High Tide Line indicated by:							
	☐ clear, natural line impressed on the bank ☐ oil or scum line along shore objects							
	the presence of litter and debris fine shell or debris deposits (foreshore)							
	changes in the character of soil physical markings/characteristics							
	destruction of terrestrial vegetation tidal gages							
	shelving other:							
	other:							
								
14 P	Mean High Water Mark indicated by:							
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.							
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:							
Ros	is For Not Asserting Jurisdiction:							
	The reviewed area consists entirely of uplands.							
<u></u>	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).							
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).							
	The Core has made a case area if a determination that the full value of the core has made a case area if a determination that the full value of the core has made a case area if a determination that the full value of the core has made a case area in the core has made as a case area in the core has made as a case area in the core							
النا	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:							
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.							
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.							
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and							
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or							
	rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created							
	= S F							
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for							
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is							
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR							
	328.3(a).							
	Isolated, intrastate wetland with no nexus to interstate commerce.							
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:							
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:							
	Other (explain):							
DATAF	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):							
\boxtimes	Maps, plans, plots or plat submitted by or on behalf of the applicant.							
4.5	Data sheets prepared/submitted by or on behalf of the applicant.							
	This office concurs with the delineation report, dated , prepared by (company):							
	This office does not concur with the delineation report, dated , prepared by (company):							
	Data sheets prepared by the Corps.							
	Corps' navigable waters' studies:							
	U.S. Geological Survey Hydrologic Atlas:							
	U.S. Geological Survey 7.5 Minute Topographic maps: Southmost							
	U.S. Geological Survey 7.5 Minute Historic quadrangles:							
	U.S. Geological Survey 15 Minute Historic quadrangles:							
×	USDA Natural Resources Conservation Service Soil Survey: Cameron County, Texas							
	National wetlands inventory maps:							
3	State/Local wetland inventory maps:							
	FEMA/FIRM maps (Map Name & Date):							
	100-year Floodplain Elevation is: (NGVD)							
	Aerial Photographs (Name & Date):							
26.5	Other photographs (Date):							
	Advanced Identification Wetland maps:							
	Site visit/determination conducted on:							
	Applicable/supporting case law:							
	Other information (please specify):							

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers **DISTRICT OFFICE:** Galveston District FILE NUMBER: D-12804 PROJECT LOCATION INFORMATION: Texas State: County: Cameron 25-51-20.1710 97-24-27.0164 Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: approx. 0.028 acres. Name of nearest waterway: Rio Grande Name of watershed: Rio Grande JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 24 June 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.028 acres. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used or were used in the past, or may be susceptible to use in

Δ	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
7.5	(2) The presence of interstate waters including interstate wetlands ¹ .
1	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined as waters of the US.
	(5) The presence of a tributary to a water identified in (1) – (4) above.
圃	(6) The presence of territorial seas.
257	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.

		FILE NUMBER:	D-12804
Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	B and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐	vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland de	lineation map and/or in a delineation report prepared	d by:
Bas	rice growing. Artificial reflecting or swimming pools or other sn by excavating and/or diking dry land to retain water Water-filled depressions created in dry land incide the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets to 328.3(a). Isolated, intrastate wetland with no nexus to inters	s of 33 CFR part 328.3(a)(3). The following waters present on the site are not Waters do or lagoons, pursuant to 33 CFR part 328.3. The pland if the irrigation ceased. The purposes as stock watering, irrigation, settling bate and construction activity and pits excavated in dress and until the construction or excavation operation is and until the construction or excavation operation is the definition of waters of the United States found at tate commerce. The transfer of the states of the construction of the construction of the United States found at tate commerce. The transfer of the United States found at tate commerce. The transfer of the United States found at tate commerce. The transfer of the United States found at tate commerce.	sins, or ry land for is t 33 CFR
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINAT. Maps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the app! This office concurs with the delineation report, dated This office does not concur with the delineation report Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: So U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Surventional wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	applicant. licant. , prepared by (company): t, dated , prepared by (company): outhmost	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

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	CT OFFI UMBER:		reston District			
Stat Cou Cer App Nar	te: inty: inter coord proximate	Texas Camero inates of s size of ar rest water	ite (latitude/lor	ngitude iewed,		25-53-16.9887 97-28-3.011 g uplands: approx. 0.028 acres.
			ERMINATION determination t(s)		\boxtimes	Date: 24 June 2005 Date(s):
Jur	isdiction	al Determ	ination (JD):			
	United S	States" an				, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the inited States" on the project site. A preliminary JD is not appealable
×		ed JD – A Ill that app		is an a	ppealable	e action (Reference 33 CFR part 331).
						ates" (as defined by 33 CFR part 329 and associated guidance) within cional area: 0.028 acres.
			ters of the Unit			defined by 33 CFR part 328 and associated guidance) within the all area:
	☐ Ther	re are "iso	olated, non-nav Decision sup Jurisdiction.	ported	intra-sta by SWA	tte waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
Α.	Waters The pres	defined usence of w	aters that are s	part 3 ubject	29 as "na to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
B. ⊠	(1) The interstat (2) The (3) The sandflat destruct [(i) [(ii)]	presence presence presence presence s, wetland tion of wh which are from whi	of waters, which commerce, is of interstate waters of other waters is, sloughs, praich could affect or could be us the fish or shell	ch are concluding ters in a such a such a sirie poor tinters ed by in the such are	currently ung all was cluding in trasta tholes, we state communitaritate or coulc	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. nterstate wetlands. te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. all purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project is along the Rio Grande, a navigable river

[7] The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US.
(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

	FILE NUMBER: D-12803
Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects oil or scum line along shore objects fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
72	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA F	Other (explain): REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: East Brownsville U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional Survey 15 Minute Historic quadrangles: U.S. Actional wetlands inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District FILE NUMBER: D-12806 PROJECT LOCATION INFORMATION: State: Texas County: Cameron 25-53-19.9941 97-30-31.0033 Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: approx. 0.028 acres. Name of nearest waterway: Rio Grande Rio Grande Name of watershed: JURISDICTIONAL DETERMINATION Date: 24 June 2005 Completed: Desktop determination Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the appear t United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.028 acres. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(4) Impoundments of waters otherwise defined as waters of the os.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

	FILE NUMBER: D-1280)6
Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)	
	Ordinary High Water Mark indicated by: High Tide Line indicated by:	
	 □ clear, natural line impressed on the bank □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) 	
	the presence of litter and debris fine shell or debris deposits (foreshore)	
	changes in the character of soil physical markings/characteristics	
	destruction of terrestrial vegetation tidal gages	
	shelving other:	
	other:	
47	Mean High Water Mark indicated by:	
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.	
	Survey to available datain, Expression markings, Expedition messendinges in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:	
Bas	is For Not Asserting Jurisdiction:	
	The reviewed area consists entirely of uplands.	
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).	
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).	
	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the	
	United States:	
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.	
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.	
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and	
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or	
	rice growing.	
	Artificial reflecting or swimming pools or other small ornamental bodies of water created	
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.	
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for	r
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is	
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR	
	328.3(a).	
	Isolated, intrastate wetland with no nexus to interstate commerce.	
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:	
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:	
	Other (explain):	
DATA R	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):	
\boxtimes	Maps, plans, plots or plat submitted by or on behalf of the applicant.	
S	Data sheets prepared/submitted by or on behalf of the applicant.	
	This office concurs with the delineation report, dated , prepared by (company):	
	This office does not concur with the delineation report, dated , prepared by (company):	
	Data sheets prepared by the Corps.	
	Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	
	U.S. Geological Survey 7.5 Minute Topographic maps: West Brownsville	
믬	U.S. Geological Survey 7.5 Minute Historic quadrangles:	
H	U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Cameron County, Texas	
	National wetlands inventory maps:	
	State/Local wetland inventory maps:	
	FEMA/FIRM maps (Map Name & Date):	
菌	100-year Floodplain Elevation is: (NGVD)	
	Aerial Photographs (Name & Date):	
	Other photographs (Date):	
	Advanced Identification Wetland maps:	
	Site visit/determination conducted on:	
S	Applicable/supporting case law:	
1	Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers **DISTRICT OFFICE:** Galveston District FILE NUMBER: D-12807 PROJECT LOCATION INFORMATION: State: Texas County: Cameron 25-54-14.9908 97-31-38.0131 Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: approx. 0.028 acres. Name of nearest waterway: Rio Grande Name of watershed: Rio Grande JURISDICTIONAL DETERMINATION Date: 24 June 2005 **Completed:** Desktop determination Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.028 acres. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

	(, , , , , , , , , , , , , , , , , , ,
\boxtimes	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
Ş.	(2) The presence of interstate waters including interstate wetlands ¹ .
髮	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
10	(4) Impoundments of waters otherwise defined as waters of the US.
	(5) The presence of a tributary to a water identified in $(1) - (4)$ above.
22.	(6) The presence of territorial seas.
35.	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.

La	FILE NUMBER: D-1280' teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Glear, natural line indicated by: Glear, natural l
8	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: West Brownsville U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Delogical Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic quadrangles: U.

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-12808

PROJE	CT LOCATI	ON INFORMATION	V:											
Sta Co Ce Ap Na	te: Te unty: Ca nter coordinate proximate size	exas ameron es of site (latitude/long e of area (parcel) revie waterway: Rio Grande	;itude): wed, including	25-56-10.9872 97-32-58.0223 guplands: approx. 0.028 acres.										
	mpleted: De	DETERMINATION esktop determination te visit(s)	\boxtimes	Date: 24 June 2005 Date(s):										
Ju	risdictional D	etermination (JD):												
23	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq there appear to be no United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is (Reference 33 CFR part 331).													
×	Approved Jl Check all th		an appealable	action (Reference 33 CFR part 331).										
	☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.028 acres.													
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:													
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.													
A.	Waters def The presence	e of waters that are sul	art 329 as "na oject to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.										
	(1) The presinterstate or (2) The pres (3) The pres sandflats, we destruction (i) white (ii) from (iii) from (iii) from (iii) from (iii) from (iiii) from (iiii) from (iiii) from (iiiii) from (iiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiii	sence of waters, which foreign commerce, in sence of interstate water sence of other waters settlands, sloughs, prair of which could affect ich are or could be used m which fish or shellfi	are currently ucluding all waters including in uch as intrastate potholes, we interstate committee by interstate committee are or could	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce.										
	(4) Impound (5) The pres (6) The pres	dments of waters other sence of a tributary to sence of territorial seas	wise defined a a water identif											

	FILE NUMBER: D-12808
<u>La</u> t	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	Ordinary High Water Mark indicated by: High Tide Line indicated by:
	□ clear, natural line impressed on the bank □ oil or scum line along shore objects
	the presence of litter and debris fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics
	destruction of terrestrial vegetation tidal gages
	shelving other:
	other:
8	Mean High Water Mark indicated by:
-	☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
П	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	, and the second property of the second prope
Bas	is For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
蘊	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
Į.	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
Ħ	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
L1	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
DATA R	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
\boxtimes	Maps, plans, plots or plat submitted by or on behalf of the applicant.
6-7	Data sheets prepared/submitted by or on behalf of the applicant.
	This office concurs with the delineation report, dated , prepared by (company):
	☐ This office does not concur with the delineation report, dated , prepared by (company):
	Data sheets prepared by the Corps.
2,617	Corps' navigable waters' studies:
	U.S. Geological Survey Hydrologic Atlas:
	U.S. Geological Survey 7.5 Minute Topographic maps: West Brownsville
Ħ	U.S. Geological Survey 7.5 Minute Historic quadrangles:
同	U.S. Geological Survey 15 Minute Historic quadrangles:
	USDA Natural Resources Conservation Service Soil Survey: Cameron County, Texas
Ħ	National wetlands inventory maps:
	State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date):
75.	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date):
365c	Other photographs (Date):
	Advanced Identification Wetland maps:
	Site visit/determination conducted on:
	Applicable/supporting case law: Other information (please specify):
2702	A ZUIGE HITOTHIATION EDICASC SDECTEV).

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers **DISTRICT OFFICE:** Galveston District FILE NUMBER: D-12809 PROJECT LOCATION INFORMATION: State: Texas County: Cameron 25-56-11.9998 97-33-18.0313 Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: approx. 0.028 acres. Name of nearest waterway: Rio Grande Name of watershed: Rio Grande JURISDICTIONAL DETERMINATION Date: 24 June 2005 Completed: Desktop determination Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the appear t United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.028 acres. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or

destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [1] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

[1] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

	FILE NUMBER: D-12809
Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ tidal gages □ other: □ other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: West Brownsville U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Acological Survey 15 Minute Historic quadrangles: U.S. Acological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District FILE NUMBER: D-12810 PROJECT LOCATION INFORMATION: State: Texas Cameron County: 25-57-41.0000 97-35-20.0000 Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: approx. 0.028 acres. Name of nearest waterway: Rio Grande Name of watershed: Rio Grande JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 24 June 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

BASIS OF JURISDICTIONAL DETERMINATION:

Check all that apply:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331).

the reviewed area. Approximate size of jurisdictional area: 0.028 acres.

reviewed area. Approximate size of jurisdictional area:

Jurisdiction.

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

\boxtimes	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
234	(2) The presence of interstate waters including interstate wetlands ¹ .
6	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined as waters of the US.
	(5) The presence of a tributary to a water identified in (1) – (4) above.
Ħ	(6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project is along the Rio Grande, a navigable river

[3] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: D-12810
eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ tidal gages □ other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: West Brownsville U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional wetlands inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17129

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State: Texas County: Brazoria

Center coordinates of site (latitude/longitude): Site 1 28 58' 11"N, 95 16' 01"W Site 2 28 58' 11"N, 95 15' 59"W

Approximate size of area (parcel) reviewed, including uplands: 0.32 acre.

Name of nearest waterway: Swan Lake Name of watershed: Austin-Oyster

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date:

Date(s): 24 May 2005

Jurisdictional Determination (JD):

Freliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

III There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [(iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: One depresional wetland was found on site 1. This wetland is neighboring, and therefore adjacent, to Swan Lake. Swan Lake is navigable water of the United States subject to the ebb and flow of the daily tide. As such, a Department of the Army Permit is required to discharge dreged or fill material into it. Site 2 consisted completely of uplands and had no waters of the United States, including adjacent wetlands, located on it.

eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Freeport, Texas quad U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Atlantal Resources Conservation Service Soil Survey: Brazoria County Soil Survey National wetlands inventory maps: Freeport, Texas quad State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Name & Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 24 May 2005 Applicable/supporting case law:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17094

PROJECT LOCATION INFORMATION:

State: Texas County: Brazoria

Center coordinates of site (latitude/longitude): 29 04' 36"N, 95 07' 33"W Approximate size of area (parcel) reviewed, including uplands: 0.5 acre.

Name of nearest waterway: Gulf of Mexico

Name of watershed: West Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date:

Date(s): 13 Apr 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

La 💆	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Tide Line indicated by:
8	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba E	sis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: Christmas Point, Texas quadrangle U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Data Anatural Resources Conservation Service Soil Survey: Brazoria County Soil Survey National wetlands inventory maps: Christmas Point, TX quadrangle State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): FEMA Q3 data 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 13 Apr 2005 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17017

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State: Texas County: Galveston

Center coordinates of site (latitude/longitude): 29 25' 01"N, 94 42' 43"W Approximate size of area (parcel) reviewed, including uplands: 1.5 acres.

Name of nearest waterway: Gulf Intracoastal Waterway

Name of watershed: East Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date:

Date(s): 25 May 2005

Jurisdictional Determination (JD):

 Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the or the content of the co
 United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetland oon the project site is contiguous with, and therefore adjacent to, the Gulf Intracoastal Waterway (GIWW). The GIWW is a navigable water of the United States subject to the ebb and flow of the daily tide. As such, the wetlands are subject to Corps jurisdiction under SEction 404 of the Clean Water Act.

			2	
	Lateral Ord	Extent of Jurisdiction: (Reference: 33 CFR linary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	parts 328 and 329) Hig	FILE NUMBER: D-1701' th Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mea □ s	n High Water Mark indicated by: survey to available datum; physical marki	ngs; vegetation	lines/changes in vegetation types.
•	Wetl And	land boundaries, as shown on the attached we y Bouse	tland delineation n	nap and/or in a delineation report prepared by: Mr.
	The I Unab Head The	Waste treatment systems, including treatm Artificially irrigated areas, which would re Artificial lakes and ponds created by excavate retain water and which are used exclusively rice growing. Artificial reflecting or swimming pools or by excavating and/or diking dry land to ret Water-filled depressions created in dry land the purpose of obtaining fill, sand, or grave abandoned and the resulting body of water 328.3(a). Isolated, intrastate wetland with no nexus to	the basis of 33 CFR that the following tent ponds or lagoor evert to upland if the vating and/or diking y for such purposes other small orname ain water for prima d incidental to consel unless and until the meets the definition of interstate comments the Natural Resource.	R part 328.3(a)(3). I waters present on the site are not Waters of the ms, pursuant to 33 CFR part 328.3. The irrigation ceased. If the desired des
DATA	Data s Data s Corps' U.S. G U.	WED FOR JURSIDICTIONAL DETERM plans, plots or plat submitted by or on behalf of the plans, plots or plat submitted by or on behalf of the plans, plots or plat submitted by or on behalf of the plans, plots or plat submitted by or on behalf of the plans, p	f of the applicant. he applicant. dated 16 Feb 2005 n report, dated aps: Flake, TX quangles: gles: I Survey: Galveston	of, prepared by: Mr. Andy Bouse , prepared by (company): drangle

Site visit/determination conducted on: 25 May 2005 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-15494/(01)

PROJECT LOCATION INFORMATION:

State: Texas

County: Fort Bend County

Center coordinates of site (latitude/longitude): 29 42' 37"N, 95 4' 18"W Approximate size of area (parcel) reviewed, including uplands: 1 acre.

Name of nearest waterway: Long Point Creek Name of watershed: Buffalo-San Jacinto

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date:

Date(s): 14 June 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Mattheware "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.28 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (2) The presence of interstate waters including interstate wettands.

 (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The "Clodine Ditch" is in fact a rerouted portion of Long Point Creek. Long Point Creek is a tributary to Buffalo Bayou, which is a navigable water of the United States subject to the ebb and flow of the daily tide. As such, Long Point Creek is subject to U.S. Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act.

Т.	oteral E	Extent of Invigdictions (Defenses 22 CED		FILE NUMBER: D-15494/(0
S	Ordi	Extent of Jurisdiction: (Reference: 33 CFR parts 328 an inary High Water Mark indicated by:		
		clear patrial line immersed at the last	Hig	gh Tide Line indicated by:
	Ħ	clear, natural line impressed on the bank the presence of litter and debris	닏	oil or scum line along shore objects
	H		닏	fine shell or debris deposits (foreshore)
		changes in the character of soil	Ц	physical markings/characteristics
		destruction of terrestrial vegetation	Щ	tidal gages
		shelving		other:
	Z	other: Staining on the box culverts and the on the concre	te lini	ing of the channel
:	Mean	n High Water Mark indicated by:		
	☐ su	urvey to available datum; physical markings; vego	tation	ı lines/changes in vegetation types.
	Wetla	and boundaries, as shown on the attached wetland deline	ation r	map and/or in a delineation report prepared by:
Ba	sis For	Not Asserting Jurisdiction:		
E-12	The re	eviewed area consists entirely of uplands.		
90 74 5 1 2 5 1 2	Unab	le to confirm the presence of waters in 33 CFR part 3280	a)(1, 2	2. or 4-7).
2.701 (a).4	Head	quarters declined to approve jurisdiction on the basis of 3	3 CFF	R part 328 3(a)(3)
	The C	Corps has made a case-specific determination that the foll	owing	Waters present on the site are not Waters of the
	Unite	ed States:		
		Waste treatment systems, including treatment ponds or	lagoo	ons, pursuant to 33 CFR part 328 3
		Artificially irrigated areas, which would revert to uplar	ıd if th	he irrigation ceased
		Artificial lakes and ponds created by excavating and/or	dikin	ng dry land to collect and
		retain water and which are used exclusively for such po	ırpose	es as stock watering, irrigation, settling basins, or
	_	nce growing.		
		Artificial reflecting or swimming pools or other small of	rnam	ental bodies of water created
		by excavating and/or diking dry land to retain water for	prim:	arily aesthetic reasons
		Water-filled depressions created in dry land incidental	to con	struction activity and pits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unless and	until (the construction or excavation operation is
		abandoned and the resulting body of water meets the de	efinitio	on of waters of the United States found at 33 CFR
		320.3(a).		
	H	Isolated, intrastate wetland with no nexus to interstate of	omme	erce.
	L	Prior converted cropland, as determined by the Natural	Kesou	arces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated on dr	v land	d. Explain rationale:
		Other (explain):	,	
DATE A				
DATAK	Mone	WED FOR JURSIDICTIONAL DETERMINATION	(mark	k all that apply):
	Data of	plans, plots or plat submitted by or on behalf of the appl	cant.	
	Data Si	heets prepared/submitted by or on behalf of the applicant		
		his office concurs with the delineation report, dated 15 M	arch 2	2005, prepared by: Corrigan Consulting, Inc.
200	Data el	nis office does not concur with the delineation report, dat heets prepared by the Corps.	ed	, prepared by (company):
Ser.	Corns'	'navigable waters' studies:		
	US G	eological Survey Hydrologic Atlas:		
蒸	U.S. G	eological Survey 7.5 Minute Topographic maps: Clodine	TV.	
	U.S. G	eological Survey 7.5 Minute Historic quadrangles:	, IA (quadrangie
	U.S. G	eological Survey 15 Minute Historic quadrangles:		
	USDA	Natural Resources Conservation Service Soil Survey:		
20	Nationa	al wetlands inventory maps:		
57		ocal wetland inventory maps:		
	FEMA	/FIRM maps (Map Name & Date):		
	100-yea	ar Floodplain Elevation is: (NGVD)		
図	Aerial l	Photographs (Name & Date): 1995 CIR		
X	Other p	photographs (Date): site photos taken by the consultant		
	Advanc	ced Identification Wetland maps:		
Secretary Secretary	Site vis	sit/determination conducted on:		
	Applica	able/supporting case law:		
		nformation (please specify):		

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17343

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

29 34' 21"N, 94 34' 58"W

Approximate size of area (parcel) reviewed, including uplands: 5.5 acres.

Name of nearest waterway: Robinson Bayou Name of watershed: East Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 15 June 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the appear to be no be United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Market There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: unknown.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are located within the 100 year floodzone. Additionally, they are in close proximity to Robinson Lake, a navigable water of the United States. Therefore, these are adjacent wetlands.

	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
12 T	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
Environm	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated 16 April 2005, prepared by (company): Damico nental Services, Inc. Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1994 Frozen Point U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Dealogical Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-16858

PROJECT LOCATION INFORMATION:

State: Texas County: Galveston

Center coordinates of site (latitude/longitude): 29 18' 23"N, 94 59' 22"W Approximate size of area (parcel) reviewed, including uplands: 433.84 acres.

Name of nearest waterway: Basford Bayou Name of watershed: West Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

(1) (1) (2) (2)

Date:

Date(s): 27 Apr 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 11 Acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 340 Acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The property is bordered by the Highland Bayou Diversion Canal and Basford Bayou bisects the property. Both the Highland Bayou Diversion Canal and Basford Bayou are navigable waters of the United States subject to the ebb and flow of the daily tide. As such, these navigable waters are subject to U.S. Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act and Section 10 of the Rivers and HArbors Act. The wetlands on the property that are not contigous with either the Highland Bayou Diversion Canal or Basford Bayou are neighboring to the Highland Bayou Diversion Canal or Basford Bayou. As such, these wetlands are adjacent and subject to U.S. Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act.

R

L.	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 32 Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	8 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:		
<u>E</u>	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐	vegetation lines/changes in vegetation types.		
×	Wetland boundaries, as shown on the attached wetland de Wetland Technologies Corporation, "Wet Tech"	elineation map and/or in a delineation report prepared by:		
Ba	United States: Waste treatment systems, including treatment pon Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating a retain water and which are used exclusively for su rice growing. Artificial reflecting or swimming pools or other sr by excavating and/or diking dry land to retain wate Water-filled depressions created in dry land incide the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets to 328.3(a). Isolated, intrastate wetland with no nexus to inters Prior converted cropland, as determined by the Na	of 33 CFR part 328.3(a)(3). It following waters present on the site are not Waters of the discording waters present on the site are not Waters of the discording waters present on the site are not Waters of the discording waters present on the site are not Waters of the discording water season. Indicate the irrigation ceased. Indicate the irrigatio		
	Non-tidal drainage or irrigation ditches excavated Other (explain):	on dry land. Explain rationale:		
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 27 May 2005, prepared by: Wet Tech This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Virgina Point, Texas quadrangle U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Soil Survey of Galveston County, Texas National wetlands inventory maps: Virgina Point, TX quadrangle 1995			
	State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Galveston Count 100-year Floodplain Elevation is: 13 (NGVD) Aerial Photographs (Name & Date): 1995 CIR Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 27 Apr 2005 Applicable/supporting case law: Other information (please specify):			

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17138

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Brazoria

Center coordinates of site (latitude/longitude):

29° 40' 53"N, 95° 43' 43"W

Approximate size of area (parcel) reviewed, including uplands: 30 acres

Name of nearest waterway: Long Point Creek Buffalo-San Jacinto Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: June 9, 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Ls	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and	FILE NUMBER: D-1713		
		High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:		
E.	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ veget	ation lines/changes in vegetation types.		
Val.	Wetland boundaries, as shown on the attached wetland delineat	ion map and/or in a delineation report prepared by:		
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:			
	□ Non-tidal drainage or irrigation ditches excavated on dry□ Other (explain):			
	This office does not concur with the delineation report, dated Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Clodine, U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Panel:48157C0115 and 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQ: Clodine, TX Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:	ant. d by (company): d , prepared by (company): TX		
	Applicable/supporting case law: Other information (please specify):			

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-07-022

PRC	HECT	LOCA	TION	INFOR	MATION

State:

Texas

County:

Galveston Center coordinates of site (latitude/longitude):

29.4279N; 95.1482W

Approximate size of area (parcel) reviewed, including uplands: 0.02 acres.

Name of nearest waterway: Dickinson Bayou Name of watershed:

Dickinson Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 16 June 2005

Date(s):

Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.02 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

Ordinary High Water Mark indicated by:

FILE NUMBER: SWG-05-07-022 High Tide Line indicated by: oil or scum line along shore objects
fine shell or debris deposits (foreshore)

•		clear, natural line imports the presence of litter at changes in the characted destruction of terrestriatelying other:	ressed on the bank nd debris er of soil		fine shell or deb	along shore objects ris deposits (foreshore) gs/characteristics
***	Mear	n High Water Mark indi urvey to available datun	icated by: n; physical markings;	vegetatio	on lines/changes in v	regetation types.
	_					ineation report prepared by:
DATA R	The r Unab Head The (Unite Unite Uni	quarters declined to app Corps has made a case-sed States: Waste treatment syste Artificially irrigated a Artificial lakes and poretain water and whice rice growing. Artificial reflecting on by excavating and/or Water-filled depression the purpose of obtaining abandoned and the resistant abandoned and the resistant abandoned are resistant abandoned are resistant abandoned are prior converted croplation. Non-tidal drainage or Other (explain): WED FOR JURSIDIC plans, plots or plat submittee is office does not concurrent abandoned survey with the converted concurs with the construction of the concurs of the concu	ntirely of uplands. ace of waters in 33 CFR payorove jurisdiction on the baspecific determination that tems, including treatment pareas, which would revert toods created by excavating the are used exclusively for a swimming pools or other diking dry land to retain wons created in dry land incing fill, sand, or gravel unlessulting body of water meet thand with no nexus to intend, as determined by the National divides a determined by the National divides a determined by the National divides a determined by the Pareas and the delineation report, dated are with the delineation report, dated are with the delineation report, divides a determined by the National divides and the divides and the delineation report, dated are with the delineation report are with the delineati	asis of 33 Clathe following the following onds or lagge to upland if gand/or dike such purpose small ornar vater for principle and until the definite as the definite erstate common and the applicant of the policant of the policant of the definite applicant of the policant of the policant of the definite applicant of the policant of	FR part 328.3(a)(3). Ing waters present on the proof of the irrigation ceased ing dry land to collect ses as stock watering mental bodies of water marily aesthetic reasonstruction activity and the construction or ion of waters of the merce. Durces Conservation and. Explain rationals	et and grice irrigation, settling basins, or er created ons. and pits excavated in dry land for excavation operation is United States found at 33 CFR Service. Explain rationale:
***************************************		(prease spee)	<i>J J</i> ∙			

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

FILE	NU	CT OFFICE: JMBER: CT LOCATION IN	CESWG D-16593 FORMATION:				
	State	e: Texas					
		nty: Harris					
		ter coordinates of sit roximate size of are				18"N, 95° 04' 08"W	
		ne of nearest waterw		meraam	g upianus2	3 -acres	
		ne of watershed: We					
****		romroni i promp	DA CINA MICAN				
		ICTIONAL DETE		M	Date:	06/21/05	
`	COII	Site visit			Date(s):	00/21/03	
		Dite visit	(3)		Dute(o).		
,	Juri	sdictional Determi	nation (JD):				
		Preliminary JD - Ba United States" and/ (Reference 33 CFR	or "navigable water	formation s of the U	i, ☐ there ap Inited States"	pear to be (or) there appear to be no on the project site. A preliminary JD is	"waters of the not appealable
I	X	Approved JD – An Check all that apply	* *	ppealable	e action (Refe	rence 33 CFR part 331).	
						ned by 33 CFR part 329 and associated and 2.54-ac and Shoreline of Mud Lake	guidance) within
			ers of the United Sta proximate size of just			CFR part 328 and associated guidance)	within the
		There are "isolo				vetlands" within the reviewed area. ory Bird Rule Information Sheet for Det	ermination of No
BASI	s o	F JURISDICTION	JAL DETERMINA	TION:			
					vigable wat	ers of the United States":	
		The presence of war	ters that are subject	to the ebb	and flow of	the tide and/or are presently used, or have r foreign commerce.	ve been used in
1	3.	Waters defined un	der 33 CFR part 3	28.3(a) a	s "waters of	the United States":	
		(1) The presence of	waters, which are c	urrently ı	ised, or were	used in the past, or may be susceptible t	o use in
*						subject to the ebb and flow of the tide.	
		(2) The presence of				nds'. s, streams (including intermittent stream	ac) mudflota
						laya lakes, or natural ponds, the use, de	
						ng any such waters (check all that apply)	
		(i) which are o	r could be used by in	nterstate o	or foreign trav	relers for recreational or other purposes.	•
						sold in interstate or foreign commerce.	
r		(4) Impoundments				industries in interstate commerce.	
		(5) The presence of					
į		(6) The presence of	territorial seas.				
	Ø	(7) The presence of	wetlands adjacent ²	to other v	vaters of the l	JS, except for those wetlands adjacent to	o other wetlands.

FILE NUMBER:

D-16593

	Acteral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
·	 Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, datedSept 29, 2004, prepared by (company): Berg Oliver This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: League City, 1979 U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: Harris County Soil Survey National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): FIRM map,April 20, 2000 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): CIR 1995 DOQQ Other photographs (Date): See Report Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

FILE	RICT OF NUMBE	R:	CESWG D-16583				
			NFORMATION:				
	State:	Texas					
	County: Center coc	Montgo ordinates of s	mery site (latitude/longitu	ıde):	Start 30°	° 12' 43"N, 95° 21' 28"W	
			,	•	End 30	° 06' 54"N, 95° 16' 06"W	
			ea (parcel) reviewe way: Copeland Dit		ng upiands: _	_11 miles	
1	Name of w	atershed: E	ast Fork San Jacinto	0			
			ERMINATION				
(Complete	d: Desktop	determination	⊠ ⊠	Date:	06/22/05	
		Site visi	it(s)	Ø	Date(s):	06/15/05	
J	urisdictio	onal Determ	nination (JD):				
I	Unite	d States" and	Based on available i d/or "navigable wat R part 331).	information ers of the	on, [] there to United State	appear to be (or) there appear to be no ses" on the project site. A preliminary JD is	waters of the not appealable
		oved JD - And a street over the street over th		appealat	ole action (Re	eference 33 CFR part 331).	
	The re	nere are "nav viewed area	vigable waters of th . Approximate size	e United of jurisd	States" (as de ictional area:	efined by 33 CFR part 329 and associated g	uidance) within
			ters of the United S pproximate size of j			33 CFR part 328 and associated guidance) v 0.22-ac	within the
	⊠ Th	nere are "iso	plated, non-navigab Decision support Jurisdiction.	<i>le, intra-s</i> ed by SW	state waters o ANCC/Migr	r wetlands" within the reviewed area. ratory Bird Rule Information Sheet for Dete	rmination of No
BASI	S OF JUI	RISDICTIO	NAL DETERMIN	NATION	•		
A	Mate The p	rs defined u	inder 33 CFR part raters that are subject	329 as " ct to the e	navigable ware bb and flow of	aters of the United States": of the tide and/or are presently used, or have e or foreign commerce.	e been used in
-	(1) Tl	ne presence o	of waters, which are	currently	y used, or we	of the United States": re used in the past, or may be susceptible to	use in
						are subject to the ebb and flow of the tide.	
	(3) Tl sandf	ne presence of lats, wetland	ls, sloughs, prairie p	as intras ootholes, v	tate lakes, riv wet meadows	extlands:. yers, streams (including intermittent streams to playa lakes, or natural ponds, the use, deg ding any such waters (check all that apply):	radation or
		i) which are ii) from which	or could be used by ch fish or shellfish a	interstat	e or foreign to old be taken a	ravelers for recreational or other purposes. nd sold in interstate or foreign commerce.	
						by industries in interstate commerce.	
L			s of waters otherwis of a tributary to a w				
	(6) TI		of territorial seas.	acci ideili	iii (1) –	(1) 40010.	
Ē	(0) Ti	ne presence o	of wetlands adjacen	t ² to othe	r waters of th	e US, except for those wetlands adjacent to	other wetlands.
				-		TOTAL CO. A. C. A.	. 1 1

FIL	ΕN	NUM	IBER:	
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D-16583

Ls	Atteral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, datedsept 9, 2004, prepared by (company): Carter Burgess This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Outlaw Pond and Meaden, 1982 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minu

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE PROJ S	RICT OFFI NUMBER: ECT LOCA tate: County:		CESWG D-14510/03 NFORMATION:						
A N	pproximate	size of are	ite (latitude/longitu ea (parcel) reviewed vay: Sabine River abine Lake				3° 43' 20"W		
			CRMINATION determination (s)	X B	Date: Date(s):	06/22/05			
J	urisdictiona	l Determ	ination (JD):						
	United S	tates" and	ased on available in or "navigable wate part 331).	nformation ers of the V	n,	opear to be (or)	ppear to be no "\ liminary JD is no	waters of the ot appealable
Σ	Approve Check all	d JD – An l that appl	approved JD is an y:	appealabl	le action (Ref	erence 33 CF	R part 331).		
	There	are "nav wed area.	igable waters of the Approximate size	United S of jurisdic	tates" (as def	ined by 33 C	FR part 329 an _·	d associated gui	idance) within
	There reviewed	are "wate area. Ap	ers of the United St proximate size of ju	ates" (as arisdiction	defined by 33 al area:N	3 CFR part 3: /A	28 and associat	ted guidance) wi	ithin the
	I There	are "isol	ated, non-navigable Decision supporte Jurisdiction.	e, intra-sta d by SWA	ate waters or ANCC/Migra	wetlands" w tory Bird Rul	thin the review e Information	ved area. Sheet for Deterr	nination of No
BASIS	OF JURIS	DICTIO	NAL DETERMIN	ATION:					
	Waters of The prese	l <mark>efined u</mark> r nce of wa	nder 33 CFR part ters that are subject susceptible for use	329 as "n to the eb	b and flow of	the tide and	or are presently	y used, or have	been used in
	(1) The p interstate	resence of or foreign	der 33 CFR part f waters, which are a commerce, includ	currently ing all wa	used, or were ters which ar	used in the person of the subject to the	oast, or may be	susceptible to u	ise in
	(3) The passandflats, destruction	resence of wetlands on of whic	f interstate waters in f other waters such , sloughs, prairie po h could affect inter	as intrasta tholes, we state com	ite lakes, rive et meadows, j merce includi	rs, streams (in playa lakes, o ng any such	or natural pond waters (check a	s, the use, degra all that apply):	mudflats, dation or
	(ii) fi (iii) v (4) Impou (5) The pi (6) The pi	rom which which are undments resence of resence of	r could be used by a fish or shellfish an or could be used fo of waters otherwise a tributary to a wa territorial seas.	e or could r industria defined a ter identif	d be taken and al purposes by as waters of the fied in (1) – (4	I sold in inter y industries in ne US. I) above.	rstate or foreign n interstate con	n commerce. mmerce.	
×	(7) The p	resence of	wetlands adjacent ²	to other v	waters of the	US, except for	or those wetlan	ds adjacent to o	ther wetlands.

FIL	F	NI	I NAT	DE	D.
rii.	ar.	141	<i>,</i> V	nг	ж:

D-14510/03

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): Horizon Environmental This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps:Orange, 1982 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Data Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: PEMA/FIRM maps (Map Name & Date): O0-year Floodplain Elevation is: National Photographs (Name & Date): CIR 1996 DOQQ Other photographs (Name & Date): See Report Advanced Identification Wetland maps: Interval Photographs (Date): See Report Mayonced Identification Wetland maps: Interval Photographs (Plate): See Report Mayonced Identification Conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N PROJE Sta	ICT OFFICE: CESWG (UMBER: D-16621 CT LOCATION INFORMATION: te: Texas unty: Harris
	Site 1 29° 59' 50"N, 95° 43' 28"W Site 2 30° 03' 04"N, 95° 43' 55"W
Na	proximate size of area (parcel) reviewed, including uplands: _N/A me of nearest waterway: me of watershed: West Galveston Bay
	DICTIONAL DETERMINATION mpleted: Desktop determination Site visit(s) Date: 06/22/05 Date(s):
Ju	risdictional Determination (JD):
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: _0.54-ac and Shoreline of Mud Lake
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS	OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands ¹ .
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
	 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

	2
FILE !	NUMBER: D-16621
L:	Ordinary High Water Mark indicated by:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba N	sis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Rose Hill, 1979 U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Anatural Resources Conservation Service Soil Survey: Harris County Soil Survey National wetlands inventory maps:

FEMA/FIRM maps (Map Name & Date): FIRM Panel 48201C0405 J and C0215 J, Nov 6, 1996

State/Local wetland inventory maps:

Other photographs (Date): See Report Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Aerial Photographs (Name & Date): CIR 1995 DOQQ

100-year Floodplain Elevation is:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-39-003

PROJECT LOCATION INFORMATION:

State:

TX

County:

Hardin

Center coordinates of site (latitude/longitude):

30.34494 . 94.17981

Approximate size of area (parcel) reviewed, including uplands: 1.5 acres.

Name of nearest waterway: Neches River

Name of watershed: Neches

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 6/23/05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: SWG-05-39-003 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Ш Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23843

Sta Cou Cer App Nar	CT LOCATION INFORMATION: te: Texas unty: San Jacinto ater coordinates of site (latitude/longitude) proximate size of area (parcel) reviewed the of nearest waterway: Lake Livingsto the of watershed: Lower Trinity	l, includin	8' 49"N, 95° 07' 48"W (NAD27) g uplands:0.34 acre.				
	npleted: Desktop determination Site visit(s)		Date: 22 June 2005 Date(s):				
Jur	isdictional Determination (JD):						
X	Preliminary JD - Based on available in United States" and/or "navigable water (Reference 33 CFR part 331).	nformation ers of the U	n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable				
8	Approved JD – An approved JD is an Check all that apply:	appealabl	e action (Reference 33 CFR part 331).				
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
.t	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	There are "isolated, non-navigable Decision supported Jurisdiction.	e, intra-sta d by SWA	nte waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.				
<u>A.</u>		329 as "na to the ebl	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in but interstate or foreign commerce.				
	interstate or foreign commerce, includi (2) The presence of interstate waters in (3) The presence of other waters such a sandflats, wetlands, sloughs, prairie po destruction of which could affect inters (i) which are or could be used by i (ii) from which fish or shellfish ar (iii) which are or could be used for (4) Impoundments of waters otherwise (5) The presence of a tributary to a wat (6) The presence of wetlands adjacent ²	currently using all wan acluding intrastar tholes, we state communiterstate of e or could rindustria defined a er identifito other v	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. Interstate wetlands ¹ . It lakes, rivers, streams (including intermittent streams), mudflats, at meadows, playa lakes, or natural ponds, the use, degradation or incree including any such waters (check all that apply): for foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. If purposes by industries in interstate commerce. It swaters of the US. It is waters of the US. It is waters of the US, except for those wetlands adjacent to other wetlands.				
Rati	onale for the Basis of Jurisdictional L	etermina)	tion (applies to any boxes checked above). The proposed dredging is				

located within Lake Livingston, below the 131' elevation.

		Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Applicant supplied plans, 131 elevation.
		Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	Ba	sis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
		Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
•		Other (explain): EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps.
		Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Matural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23842

located within Lake Livingston.

State Cour Cent Appr Name	ct LOCATION INFORMATION: e: Texas nty: San Jacinto ter coordinates of site (latitude/longitude): 30° 39' 30"N, 95° 09' 03"W (NAD27) roximate size of area (parcel) reviewed, including uplands:					
	ICTIONAL DETERMINATION Inpleted: Desktop determination					
Juris	sdictional Determination (JD):					
1	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).					
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					
ļ	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:	1				
ľ	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.	o				
	F JURISDICTIONAL DETERMINATION:					
T 🔯	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.					
(i)	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.					
	nale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed dredging					

Extent of Jurisdiction: (Reference: 33 CFR	para 320 anu 3271	23842
linary High Water Mark indicated by:		le Line indicated by:
clear, natural line impressed on the bank	nil.	or scum line along shore objects
the presence of litter and debris		scholl or debrie describe (formal)
changes in the character of soil		e shell or debris deposits (foreshore)
destruction of terrestrial vacatation		sical markings/characteristics
		al gages
	other	er:
other: Applicant supplied plans, 131 elevat	on.	
n High Water Mark indicated by:		
survey to available datum;	ings; vegetation lines	/changes in vegetation types.
land boundaries, as shown on the attached w	etland delineation map a	nd/or in a delineation report prepared by:
dquarters declined to approve jurisdiction on Corps has made a case-specific determination of States: Waste treatment systems, including treatment Artificially irrigated areas, which would a Artificial lakes and ponds created by excaretain water and which are used exclusive rice growing. Artificial reflecting or swimming pools on by excavating and/or diking dry land to rewater-filled depressions created in dry latthe purpose of obtaining fill, sand, or gravabandoned and the resulting body of water	the basis of 33 CFR part in that the following water that the following water tent ponds or lagoons, pur- evert to upland if the irriguating and/or diking dry by for such purposes as standard purposes as standard purposes as standard purposes as standard purposes and until the construct of incidental to construct and until the construct	328.3(a)(3). For present on the site are not Waters of the cursuant to 33 CFR part 328.3. Igation ceased. Indicate the collect and tock watering, irrigation, settling basins, or bodies of water created aesthetic reasons. Indicate the collect and tock watering is excavated in dry land for instruction or excavation operation is
Isolated, intrastate wetland with no nexus Prior converted cropland, as determined b	the Natural Resources (Conservation Service. Explain rationale: plain rationale:
s, plans, plots or plat submitted by or on behalf of sheets prepared/submitted by or on behalf of this office concurs with the delineation report his office does not concur with the delineation sheets prepared by the Corps. 'navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic in Geological Survey 7.5 Minute Historic quadrated Geological Survey 15	f of the applicant. the applicant. , dated, pre n report, dated aps: ungles:	hat apply): pared by (company):, prepared by (company):
	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Applicant supplied plans, 131 elevation of the High Water Mark indicated by: survey to available datum; physical marking physical marking land boundaries, as shown on the attached we had been confirmed to approve jurisdiction on the corps has made a case-specific determination and the states: Waste treatment systems, including treatment of the had been as a case-specific determination and the resulting pools or by excavating and/or diking dry land to refund the purpose of obtaining fill, sand, or grave abandoned and the resulting body of water 328.3(a). Isolated, intrastate wetland with no nexus the purpose of obtaining fill, sand, or grave abandoned and the resulting body of water 328.3(a). Isolated, intrastate wetland with no nexus the prior converted cropland, as determined by Non-tidal drainage or irrigation ditches excord the concurs with the delineation report his office does not concur with the delineation heets prepared by the Corps. An avigable waters' studies: Geological Survey 7.5 Minute Topographic metals of the purpose of the properties of the properties of the properties of the purpose of the properties of the purpose of the	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Applicant supplied plans, 131 elevation. In High Water Mark indicated by: urvey to available datum; physical markings; vegetation lines land boundaries, as shown on the attached wetland delineation map a Not Asserting Jurisdiction: reviewed area consists entirely of uplands. let to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4 lquarters declined to approve jurisdiction on the basis of 33 CFR part Corps has made a case-specific determination that the following wate ed States: Waste treatment systems, including treatment ponds or lagoons, pu Artificially irrigated areas, which would revert to upland if the irri Artificial lakes and ponds created by excavating and/or diking dry retain water and which are used exclusively for such purposes as s rice growing. Artificial reflecting or swimming pools or other small ornamental by excavating and/or diking dry land to retain water for primarily a Water-filled depressions created in dry land incidental to construct the purpose of obtaining fill, sand, or gravel unless and until the co abandoned and the resulting body of water meets the definition of 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources of Non-tidal drainage or irrigation ditches excavated on dry land. Exp Other (explain): WED FOR JURSIDICTIONAL DETERMINATION (mark all the his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delin

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17369

State: Texas County: Brazoria

Center coordinates of site (latitude/longitude): 28° 56′ 11″ N, 95° 19′ 15′ W

Approximate size of area (parcel) reviewed, including uplands: 69 acres.

Name of nearest waterway: Old Brazos River

Name of watershed: Huc Code: 12040205, Austin Oyster

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 21 June 2005
Site visit(s) Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The area to be dredged is an existing crude oil terminal that receives imports of crude oil. The area is subject to the ebb and flow of the tide and is adjacent to the Port of Freeport channel a federal navigation project a water of the US.

FILE NUMBER: D-17369

	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank High Tide Line indicated by: clear, natural line impressed on the bank Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Freeport, Texas Quadrangle U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional Netlands inventory maps: Freeport, Texas Quadrangle State/Local wetland inventory maps: Freeport, Texas Quadrangle State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): DA Permit 10863 as ammended and DA Verification D-13189.

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17372

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Wharton

Center coordinates of site (latitude/longitude):

UTM 14, 786195E, 3257559N

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: West Bernard Creek Name of watershed: West Bernard Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 23 June 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\sqrt{}\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the able and a subje The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

L	FILE NUMBER: D-1737 Ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: FILE NUMBER: D-1737 High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Hungerford quad U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Astural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): FIRM 18 Apr 1983 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQ Other photographs (Date): site photos Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23841

PROJECT LOCATION INFORMATION:

C C A N	pproximate ame of near		includin	8' 30"N, 95° 12' 9.26"W (NAD27) g uplands: <u>2</u> acres.
		AL DETERMINATION Desktop determination Site visit(s)	⊠ ⊒	Date: 20 June 2005 Date(s):
Jı	ırisdictiona	al Determination (JD):		
.	United S			n, there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Ž		d JD An approved JD is an all that apply:	appealable	e action (Reference 33 CFR part 331).
				tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:1.0 acre
	There reviewed	e are "waters of the United Stata l area. Approximate size of ju	ites" (as o	defined by 33 CFR part 328 and associated guidance) within the al area:
	There			ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS	OF JURIS	SDICTIONAL DETERMINA	ATION:	
A	The prese	ence of waters that are subject	to the ebl	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
B.	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (i) write (ii) (iii) (iii) (4) Import (5) The printerstate (6) The printerstate (2) The printerstate (3) The printerstate (4) Import (5) The printerstate (6) The printerstate (1) The printerstate (2) The printerstate (3) The printerstate (4) The printerstate (5) The printerstate (6) The printerstate (1) The printerstate (2) The printerstate (3) The printerstate (4) The printerstate (5) The printerstate (6) The printerstate (6) The printerstate (6) The printerstate (7) The printerstate (8) The printerstate (9) The printerstate (9) The printerstate (9) The printerstate (9) The printerstate (1) The printerstate (1	presence of waters, which are of the or foreign commerce, including the presence of interstate waters in presence of other waters such a second water of the waters such a second water or could affect inters which are or could be used by information which fish or shellfish are which are or could be used for undments of waters otherwise presence of a tributary to a water or could seas.	currently ung all was cluding in as intrasta tholes, we tate commenterstate or could industria defined a per identification.	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce. It purposes by industries in interstate commerce.
R	ationale for	the Basis of Jurisdictional E	etermina	ation (applies to any boxes checked above). The proposed project is

located in the Houston Ship Channel. The Houston Ship Channel is a navigable water of the United States.

L	ateral]	Extent of Jurisdiction: (Reference: 33 CFR parts 33	28 and 32	9)	23841
	Ord	inary High Water Mark indicated by:			e Line indicated by:
	\sqcup	clear, natural line impressed on the bank			or scum line along shore objects
		the presence of litter and debris	Ĭ	☐ fine	shell or debris deposits (foreshore)
		changes in the character of soil	Ĩ		sical markings/characteristics
		destruction of terrestrial vegetation	ĭ		l gages
		shelving	ř		licant supplied information.
		other:			meant supplied information.
×	Mea ⊠ s	n High Water Mark indicated by: survey to available datum;] vegetati	on lines	/changes in vegetation types
		physical makings,	J vegetatio	Jii iiiies/	changes in vegetation types.
	Wetl	land boundaries, as shown on the attached wetland d	lelineatior	ı map an	nd/or in a delineation report prepared by:
	asis For	Not Asserting Jurisdiction:			
	Ine	reviewed area consists entirely of uplands.			
£2.	Unat	ple to confirm the presence of waters in 33 CFR part	328(a)(1,	, 2, or 4-	7).
	Head	quarters declined to approve jurisdiction on the basi	s of 33 C	FR part	328.3(a)(3).
12		Corps has made a case-specific determination that the	ne followi	ng water	rs present on the site are not Waters of the
	Onic	ed States:			•
	H	Waste treatment systems, including treatment por	nds or lago	oons, pu	rsuant to 33 CFR part 328.3.
		Artificially irrigated areas, which would revert to	upland if	the irrig	ration ceased.
		Artificial lakes and ponds created by excavating a	ınd/or dik	ing dry l	land to collect and
		retain water and which are used exclusively for su	ich purpo:	ses as ste	ock watering, irrigation, settling basins, or
		rice growing.			
		Artificial reflecting or swimming pools or other sa	mall ornai	mental b	oodies of water created
		by excavating and/or diking dry land to retain wat	ter for prin	marily a	esthetic reasons.
		Water-filled depressions created in dry land incide	ental to co	onstruction	on activity and pits excavated in dry land to
		the purpose of obtaining fill, sand, or gravel unles	s and unti	il the cor	Instruction or excavation operation is
		abandoned and the resulting body of water meets	the definit	tion of w	vaters of the United States found at 33 CFR
	_	328.3(a).			
	Ш	Isolated, intrastate wetland with no nexus to inters	state comm	nerce.	
		Prior converted cropland, as determined by the Na	tural Res	ources C	Conservation Service, Explain rationale:
		Non-tidal drainage or irrigation ditches excavated	on dry lai	nd. Exp	lain rationale:
		Other (explain):	·	•	
DATA I	REVIE	WED FOR JURSIDICTIONAL DETERMINAT	ION (ma	rk all th	at anniv).
23	Maps,	, plans, plots or plat submitted by or on behalf of the	applicant	i.	at apply).
	Data s	sheets prepared/submitted by or on behalf of the appl	licant.	•	
		his office concurs with the delineation report, dated		. prer	pared by (company):
	□ TI	his office does not concur with the delineation report	t. dated		_, prepared by (company):
	Data s	sheets prepared by the Corps.			_, propuled by (company).
図		' navigable waters' studies:			
	U.S. G	Geological Survey Hydrologic Atlas:			
滋	U.S. G	Geological Survey 7.5 Minute Topographic maps:			
53	U.S. G	Geological Survey 7.5 Minute Historic quadrangles:			
22	U.S. G	Geological Survey 15 Minute Historic quadrangles:			•
33	USDA	Natural Resources Conservation Service Soil Surve	·v·		
	Nation	nal wetlands inventory maps:	.j.		
0		Local wetland inventory maps:			
	FEMA	VFIRM maps (Map Name & Date):			
		ear Floodplain Elevation is: (NGVD)			
耳		Photographs (Name & Date):			
		photographs (Date):			
Ħ		ced Identification Wetland maps:			
	Site vis	sit/determination conducted on:			
		able/supporting case law:			
		information (please specify):			
Link	Other 1	mormation (piease specify):			

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG

PRO	JECT	LOCA	TION	INFOR	MATION:

State:

Texas Harris

County:

Center coordinates of site (latitude/longitude):

Lat: 29.34.09 Long: 95.02.04

Approximate size of area (parcel) reviewed, including uplands: 0.015 acres.

Name of nearest waterway: Clear Lake Name of watershed: Clear Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 22 June 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the present to be no be United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23836

Part CV 1 V 1 CV 1 V 1 CD 2	TLE NUMBER: 2383
Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris High Tide Line indicated by: oil or scum line along show fine shell or debris deposit	ts (foreshore)
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation	types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation re	eport prepared by:
United States:	
Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigatio	
Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits exthe purpose of obtaining fill, sand, or gravel unless and until the construction or excavation abandoned and the resulting body of water meets the definition of waters of the United St	cavated in dry land for
Isolated, intrastate wetland with no nexus to interstate commerce.	Explain rationale:
 ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: ☐ Other (explain): 	
REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	
a	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Glear, natural line impressed on the bank Glear of Control of

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-39-007

PROJECT LOCATION INFORMATION:

State: Texas County:

Harris Center coordinates of site (latitude/longitude):

29.9551N; 95.1643W

Approximate size of area (parcel) reviewed, including uplands: 0.05 acres.

Name of nearest waterway: Lake Houston Name of watershed: San Jacinto River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 22 June 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\simeg \) there appear to be (or) \(\subseteq\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. 2.2

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

2 **FILE NUMBER: SWG-05-39-007** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date):

(NGVD)

100-year Floodplain Elevation is:

Other photographs (Date):

Aerial Photographs (Name & Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG

FILE NUMBER: 23837

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

Lat: 29.34.09 Long: 95.02.04

Approximate size of area (parcel) reviewed, including uplands: 0.011 acres.

Name of nearest waterway: Clear Lake Name of watershed: Clear Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 22 June 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\simega\) there appear to be (or) \(\simega\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23837

L	Ordinar	y High Water Mark	ressed on the bank and debris ter of soil		High	Tide Line indicated by: oil or scum line along shore of fine shell or debris deposits (physical markings/characteris tidal gages other:	foreshore)
E		igh Water Mark inc ey to available datu		ngs; 🗌 vegeta	tion l	ines/changes in vegetation typ	oes.
	Wetland	l boundaries, as sho	wn on the attached we	tland delineati	on ma	ap and/or in a delineation repo	ort prepared by:
Ba	The reviduable to Headqua The Corp United S	o confirm the prese arters declined to ap ps has made a case- states: Vaste treatment sys	entirely of uplands. nce of waters in 33 CF prove jurisdiction on t specific determination	he basis of 33 of that the followent ponds or la	CFR pring values	part 328.3(a)(3). waters present on the site are r s, pursuant to 33 CFR part 32.	
		Artificial lakes and p	oonds created by excav	ating and/or d	iking	dry land to collect and as stock watering, irrigation,	settling basins, or
	ri A	ace growing. Artificial reflecting of the second s	or swimming pools or diking dry land to ret ions created in dry land ning fill, sand, or grave	other small orn ain water for p d incidental to el unless and ur	amen rimar const	ntal bodies of water created	vated in dry land for
	☐ Is	solated, intrastate w	etland with no nexus to land, as determined by	o interstate cor	nmero	ce. ces Conservation Service. Exp	olain rationale:
	□ N		r irrigation ditches exc				
DATA I	Maps, pla Data shee This of Data shee Corps' na U.S. Geol U.S. Geol U.S. Geol USDA Na	uns, plots or plat sub- tes prepared/submitt office concurs with office does not con- tes prepared by the (vigable waters' stu- logical Survey Hydrogical Survey 7.5 Nogical Survey 7.5 Nogical Survey 15 Mogical	dies: rologic Atlas: Ainute Topographic m Ainute Historic quadra Iinute Historic quadrar nservation Service Soi	f of the applicathe applicant. , dated , ; n report, dated aps: ngles: ngles:	nt. prepai	red by (company): , prepared by (company):	
	State/Loca FEMA/FII 100-year F Aerial Pho Other phot Advanced Site visit/d Applicable	al wetland inventor, RM maps (Map Na Floodplain Elevatio otographs (Name & tographs (Date): Identification Wetletermination conductor, supporting case la rmation (please special)	y maps: me & Date): n is: (NGVD) Date): and maps: acted on: w:				

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23098(01)

	-		~~				~	****		
PК	().	ш	CT	1.0	ж:	ATT	ON.	INFO	$\mathbf{R}\mathbf{M}\mathbf{A}$	TION:

State:

Texas

County:

Montgomery Center coordinates of site (latitude/longitude):

UTM 15, 257684E, 3356401N

Approximate size of area (parcel) reviewed, including uplands: 22.765 acres.

Name of nearest waterway: Contrary Creek West Fork of San Jacinto Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date:

Date(s): 21 April 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square \) there appear to be (or) \(\square \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 12.5 ac.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

2 FILE NUMBER: 23098(01) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects

the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	fine shell or debris of physical markings/of tidal gages other:	deposits (foreshore) characteristics
fean High Water Mark indicated by:] survey to available datum; [] physical markings;	vegetation lines/changes in vege	etation types.
Vetland boundaries, as shown on the attached wetland	delineation map and/or in a deline	ation report prepared by: SSC
eadquarters declined to approve jurisdiction on the behe Corps has made a case-specific determination that nited States: Waste treatment systems, including treatment partificially irrigated areas, which would revert Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain water-filled depressions created in dry land incompared the purpose of obtaining fill, sand, or gravel unabandoned and the resulting body of water mee 328.3(a). Isolated, intrastate wetland with no nexus to int Prior converted cropland, as determined by the	asis of 33 CFR part 328.3(a)(3). the following waters present on the onds or lagoons, pursuant to 33 CF to upland if the irrigation ceased. It is an additional and to collect a such purposes as stock watering, in a small ornamental bodies of water exater for primarily aesthetic reasons idental to construction activity and less and until the construction or exist the definition of waters of the Universtate commerce. Natural Resources Conservation Security and Part of the University and Part of the Univ	FR part 328.3. and rrigation, settling basins, or created s. pits excavated in dry land for cavation operation is nited States found at 33 CFR
Non-tidal drainage or irrigation ditches excavat Other (explain):	ed on dry land. Explain rationale:	
aps, plans, plots or plat submitted by or on behalf of the at sheets prepared/submitted by or on behalf of the at sheets prepared/submitted by or on behalf of the at sheets prepared by the delineation report, dated. This office does not concur with the delineation report at sheets prepared by the Corps. This office does not concur with the delineation report as sheets prepared by the Corps. This office does not concur with the delineation report as sheets prepared by the Corps. This office does not concur with the delineation report as sheets prepared by the Corps. This office does not concur with the delineation report at sheets prepared by the Corps. This office does not concur with the delineation report, date. This office does not concur with the delineation report. This office does not concur with the delin	he applicant. oplicant. d , prepared by (company): ort, dated , prepared by (com Cowl Spur s:	npany):
	changes in the character of soil destruction of terrestrial vegetation shelving other: dean High Water Mark indicated by: survey to available datum; physical markings; detland boundaries, as shown on the attached wetland for Not Asserting Jurisdiction: he reviewed area consists entirely of uplands. hable to confirm the presence of waters in 33 CFR paradquarters declined to approve jurisdiction on the bare Corps has made a case-specific determination that inited States: Waste treatment systems, including treatment partificially irrigated areas, which would revert antificially irrigated areas, which would revert antificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain water-filled depressions created in dry land incompared the purpose of obtaining fill, sand, or gravel unleads abandoned and the resulting body of water meet 328.3(a). Isolated, intrastate wetland with no nexus to interprise the process of the prior converted cropland, as determined by the land the sheets prepared/submitted by or on behalf of the appropriate the process of the prior on the delineation report, date this office concurs with the delineation report, date This office does not concur with the delineation report, date as sheets prepared by the Corps. This office concurs with the delineation report, date as sheets prepared by the Corps. This office does not concur with the delineation report as sheets prepared by the Corps. This office does not concur with the delineation report, date. Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Historic quadrangles. Geological Survey 15 Minute Historic quadrangles. Geological Survey	destruction of terrestrial vegetation shelving other: cean High Water Mark indicated by: survey to available datum; physical markings/, telland boundaries, as shown on the attached wetland delineation map and/or in a deline for Not Asserting Jurisdiction: ne reviewed area consists entirely of uplands. nable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). readquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). ne Corps has made a case-specific determination that the following waters present on the intel States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFA artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect a retain water and which are used exclusively for such purposes as stock watering, in rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and the purpose of obtaining fill, sand, or gravel unless and until the construction or ea abandoned and the resulting body of water meets the definition of waters of the Ur 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Sc Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): IEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): ups. plans, plots or plat submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): 1 as sheets prepared by the Corps. 1 from the delineation report, dated prepared by (company): 1 as Geological Survey 7.5 Minute Hist

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23838

PROJECT LOCATION INFORMATION:

State:

Texas Harris

County:

Center coordinates of site (latitude/longitude):

Lat: 29.34.05 Long; 95.01.59

Approximate size of area (parcel) reviewed, including uplands: 0.013 acres.

Name of nearest waterway: Clear Lake Name of watershed: Clear Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 22 June 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Marcher are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23838

I	Lateral Extent of Jurisdiction: (Reference:	3 CFR parts 328 and 329)
	Ordinary High Water Mark indicated by	High Tide Line indicated by:
	clear, natural line impressed on the	ank
	the presence of litter and debris	fine shell or debris deposits (foreshore)
	changes in the character of soil	physical markings/about suits's
	destruction of terrestrial vegetation	physical markings/characteristics
	shelving	tidal gages
	other:	other:
	other:	
	Mean High Water Mark indicated by:	·
	☐ survey to available datum; ☐ physic	markings; vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the att	hed wetland delineation map and/or in a delineation report prepared by:
В	asis For Not Asserting Jurisdiction:	
	The reviewed area consists entirely of up	nds.
2	Unable to confirm the presence of waters	33 CFR part 328(a)(1, 2, or 4-7)
\$	Headquarters declined to approve jurisdic	on on the basis of 33 CFR part 328.3(a)(3).
	The Corps has made a case-specific deter	ination that the following waters present on the site are not Waters of the
	United States:	
	Waste treatment systems, including	treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which	ould revert to upland if the irrigation ceased
	and ponds of cated	y excavating and/or diking dry land to collect and
	retain water and which are used e	lusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing. Artificial reflecting or swimming	
	by executing or diving day living day le	ools or other small ornamental bodies of water created
	Water-filled depressions created in	to retain water for primarily aesthetic reasons.
		dry land incidental to construction activity and pits excavated in dry land for
	shandaned and the resulting his had	r gravel unless and until the construction or excavation operation is
	228 3(a)	water meets the definition of waters of the United States found at 33 CFR
	328.3(a).	
	Isolated, intrastate wetland with no	nexus to interstate commerce.
	Thoi converted cropiand, as deteri	ned by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation die Other (explain):	nes excavated on dry land. Explain rationale:
	Culor (explain).	
DATA	REVIEWED FOR JURSIDICTIONAL D	TEDMINATION (manhall distance)
X	Maps, plans, plots or plat submitted by or	behalf of the applicant
	Data sheets prepared/submitted by or on b	alf of the applicant.
3000	This office concurs with the delineation	
	This office does not concur with the d	report, dated , prepared by (company):
m	Data sheets prepared by the Corps.	neation report, dated , prepared by (company):
223	Corps' navigable waters' studies:	
를	LIS Goological Summer Hadratas in Ad-	
	U.S. Geological Survey Hydrologic Atlas:	
A	U.S. Geological Survey 7.5 Minute Topog	ohic maps:
500	U.S. Geological Survey 7.5 Minute Histori	quadrangles:
R3	U.S. Geological Survey 15 Minute Historic	uadrangles:
200	USDA Natural Resources Conservation Se	ice Soil Survey:
	National wetlands inventory maps:	
60.7 81.85	State/Local wetland inventory maps:	
\$	FEMA/FIRM maps (Map Name & Date):	
2.4	100-year Floodplain Elevation is: (N	VVD)
义是西蒙密思思思 见题图	Aerial Photographs (Name & Date):	•
23	Other photographs (Date):	
	Advanced Identification Wetland maps:	
	Nite visit/determinetion and deat 1	
A	Site visit/determination conducted on:	
	Applicable/supporting case law: Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 11636(03)

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Jefferson

Center coordinates of site (latitude/longitude):

Lat: 29.50.59 Long: 93.58.11

Approximate size of area (parcel) reviewed, including uplands: 6 acres.

Name of nearest waterway: Taylor's Bayou Name of watershed: Sabine Lake

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 21 June 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Machine There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
- (2) The presence of interstate waters including interstate wettands.

 (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

7.	-4 I T	Product of T. C. 11 (1) (D. C. 10)		FILE NUMBER: 11636(03)
L	aterai i	Extent of Jurisdiction: (Reference: 33 CFR parts in ary High Water Mark indicated by:)
		clear, natural line impressed on the bank	His	gh Tide Line indicated by:
	Ħ	the presence of litter and debris	늗	oil or scum line along shore objects fine shell or debris deposits (foreshore)
		changes in the character of soil		physical markings/characteristics
		destruction of terrestrial vegetation	<u> </u>	tidal gages
		shelving	Ē	other:
		other:	_	
	*	***		
	Mear	High Water Mark indicated by:		
	Si	urvey to available datum; physical markings;	∪ vegetation	n lines/changes in vegetation types.
E	Wetl	and boundaries, as shown on the attached wetlan	d delineation i	map and/or in a delineation report prepared by:
Ва	sis For	Not Asserting Jurisdiction:		
23	Ther	eviewed area consists entirely of uplands.		
	Unab	le to confirm the presence of waters in 33 CFR p	art 328(a)(1, 2	2. or 4-7).
3	Head	quarters declined to approve jurisdiction on the b	asis of 33 CFI	R part 328.3(a)(3).
	The (Corps has made a case-specific determination tha	t the following	g waters present on the site are not Waters of the
	Unite	ed States:		
	님	Waste treatment systems, including treatment	onds or lago	ons, pursuant to 33 CFR part 328.3.
		Artificially irrigated areas, which would revert	to upland if the	he irrigation ceased.
	LJ	Artificial lakes and ponds created by excavatin	g and/or dikin	ng dry land to collect and
;		rice growing.	such purpose	es as stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools or othe	r small ornam	ental hodies of water granted
	_	by excavating and/or diking dry land to retain	water for prim	arily aesthetic reasons
		Water-filled depressions created in dry land inc	idental to con	struction activity and pits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel un	less and until	the construction or excavation operation is
		abandoned and the resulting body of water mee	ts the definition	on of waters of the United States found at 33 CFR
		328.3(a).		
	H	Isolated, intrastate wetland with no nexus to int	erstate comme	erce.
te te se		Prior converted cropland, as determined by the	Natural Resou	urces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavat	ed on dry land	1. Explain rationale:
		Other (explain):		2. p. a.i. ranonaio.
		· ·		
DATAF	KEVIE	WED FOR JURSIDICTIONAL DETERMINA	TION (marl	k all that apply):
	Maps,	plans, plots or plat submitted by or on behalf of	he applicant.	
	Data S	heets prepared/submitted by or on behalf of the a his office concurs with the delineation report, date	pplicant.	11. 7
	吕芷	nis office does not concur with the delineation report, date	ea, prep	pared by (company):
	Data si	heets prepared by the Corps.	ort, dated	, prepared by (company):
iii		navigable waters' studies:		
		eological Survey Hydrologic Atlas:		
逐	U.S. G	eological Survey 7.5 Minute Topographic maps:		
	U.S. G	eological Survey 7.5 Minute Historic quadrangle	s:	
35	U.S. G	eological Survey 15 Minute Historic quadrangles	: :	
(10.8 60.0	USDA	Natural Resources Conservation Service Soil Su	rvey:	•
200	Nation	al wetlands inventory maps:	•	
	State/L	ocal wetland inventory maps:		
	FEMA	/FIRM maps (Map Name & Date):		
		ar Floodplain Elevation is: (NGVD)		
		Photographs (Name & Date):		
	Ouner p	photographs (Date):		
<u>C3</u>	Auvano	ced Identification Wetland maps: it/determination conducted on:		
		able/supporting case law:		
蔔	Other in	nformation (please specify):		
CONTRACTOR OF THE PARTY OF THE		N = F = ===∀ / *		

^IWetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-14-015

PR	OJE	CT	LOC	'ATI	ON	INFO	DMA	TION:
1 1/4	E.		141	. 🗛 🗈 🛭		HIVE	KIVIA	

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

Lat: 29.26.51 Long: 94.59.21

Approximate size of area (parcel) reviewed, including uplands: 0.007 acres.

Name of nearest waterway: Dickinson Bayou Name of watershed: Lower Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 21 June 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the or the there appear to be no "waters of the or the or the there appear to be no "waters of the or the there appear to be no "waters of the or the o United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Material There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(2) The presence of interstate waters mercating interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: SWG-05-14-015

L	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: The Nordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: The Applicant
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute His

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 09776(09)

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

Lat: 29.44.52 Long: 95.10.43

Approximate size of area (parcel) reviewed, including uplands: 10 acres. Name of nearest waterway: Buffalo Bayou - Houston Ship Channel

Name of watershed: Buffalo Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 21 June 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- [1] The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

2 **FILE NUMBER: 09776(09)** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)

Aerial Photographs (Name & Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Other photographs (Date):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23656(01)

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

Lat: 29.44.52 Long: 95.10.43

Approximate size of area (parcel) reviewed, including uplands: 10 acres. Name of nearest waterway: Buffalo Bayou - Houston Ship Channel

Name of watershed: Buffalo Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 21 June 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\begin{aligned} \text{there appear to be (or) } \begin{aligned} \text{there appear to be no "waters of the } \end{aligned} \] United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

2 **FILE NUMBER: 23656(01)** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)

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Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-05-39-008

FIL	E NI	JMBER:	SWG-05	-39-008			
PRO	Cou Cent App Nam	e: nty: ter coordi roximate	Texas Austin nates of s size of ar est water	site (latiti ea (parco way: All	en's Creek	ed, including	Latitude 29 ° 45' 30"N; Longitude -96° 09' 03"W g uplands: 36.76 acres.
JUF		ICTION		determi		×	Date: 21 June 2005 Date(s):
	Juri	sdictiona	l Detern	nination	(JD):		
			tates" an	d/or "nav	rigable wa		n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	×	Approve Check al		• •	ed JD is a	n appealable	e action (Reference 33 CFR part 331).
						he United So e of jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) within stional area:
						States" (as jurisdiction	defined by 33 CFR part 328 and associated guidance) within the nal area:
		■ There	e are "iso		on suppor		ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No
BAS	SIS C	F JURIS	SDICTIO)NAL D	ETERMI	NATION:	
	A.	The pres	ence of v	aters tha	t are subje	ect to the eb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
	B. □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (3)	presence e or forei presence presence	of waters gn comm of interst of other	s, which and herce, included the waters waters such	re currently uding all wa s including i th as intrasta	used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide. interstate wetlands. atel lakes, rivers, streams (including intermittent streams), mudflats,
		sandflats	s, wetland	is, slougl	is, prairie	potholes, w	ret meadows, playa lakes, or natural ponds, the use, degradation or

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency

destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.(5) The presence of a tributary to a water identified in (1) – (4) above.

determination: Vegetated surface tributary of the Brazos River

(6) The presence of territorial seas.

771

FILE NUMBER: SWG-05-39-008

La	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Sealy, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Applicable/supporting case law:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17380

ΡR	റ	IF	CT	L	OC.	ΔTI	ON	INF	ORM	IATION:	

State:

Texas

County:

Austin Center coordinates of site (latitude/longitude):

Latitude 29 ° 45' 30"N; Longitude -96° 09' 03"W

Approximate size of area (parcel) reviewed, including uplands: 36.76 acres.

Name of nearest waterway: Allen's Creek

Name of watershed: Lower Brazo's Huc: 12070104

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 21 June 2005

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Sealy, Texas U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Datural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Verified Delineation (D-17214) dated 2 June 2005

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17379

PROJECT LOCATION INFO	RMATION:
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State:

Texas

County:

Austin Center coordinates of site (latitude/longitude):

Latitude 29 ° 45' 30"N; Longitude -96° 09' 03"W

Approximate size of area (parcel) reviewed, including uplands: 36.76 acres.

Name of nearest waterway: Allen's Creek

Lower Brazo's Huc: 12070104 Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 21 June 2005

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \text{ (or) } \square there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A.	Waters defined	under 33 CFR	part 329 as	"navigable waters	of the	United States"	:
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The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
 interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of other waters including interstate wetlands.

(3) The presence of other waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

T a	towal Futant of Invitalistics (D. C
	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation chalking
	shelving other:
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Sealy, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Verified Delineation (D-17214) dated 2 June 2005

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT	OFFICE: CESWG
FILE NUM	BER: 23827

PROJECT LOCATION INFOR	N	RI	R١	Ł٨	₹I	R	1)))	0	C	(ï	7	F	I	1	۱	I	I	J	V	١	١	١	١	١	١	١	١	١	١	١	١	١	١	١	١	١	١	١	Į	Į	Į	Į	Į	Į	l	l	l	l	l	l	Į	l	Į	Į	Į	Į	l	l	l	l	l	l	l	l	l	l	l	Į	Į	١	١	١	Į	١	١	١	١	١	١	١	١	١	١	١	١	١	١	١	١	١	١	١	١	١	١	١					١	١	١	١	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	ı	١	ı
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State: Texas County: Galveston

Latitude 29 30' 17"N; Longitude -94 54' 16"W Center coordinates of site (latitude/longitude):

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: West Galveston Bay

West Galveston Bay Huc: 12040204 Name of watershed:

JURISDICTIONAL DETERMINATION

Date: 20 June 2005 Completed: Desktop determination

Date(s): Site visit(s)

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be (or) \square there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

図	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The appear of interestate vectors including interestate wetlands

(2) The presence of interstate waters including interstate wetlands'.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[11] (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23827

Ia	storal Extent of Invindentary (B.C., 22 CER 230 Logs)
	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Diagram of the presence of litter and debris Diagram of the character of soil Diagram of the charact
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Bacliff, Texas U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: PE-RB FILE NUMBER: 23752

PROJECT LOCATION INFORMA ^r	TION.
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State:

TX

County:

Brazoria

Center coordinates of site (latitude/longitude):

28 56 16 N, 95 17 54 W

Approximate size of area (parcel) reviewed, including uplands: N/A acres. Name of nearest waterway: Freeport Harbor Channel / Gulf of Mexico

Name of watershed: Gulf of Mexico

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: June 20, 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, _ there appear to be (or) _ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: Gulf of Mexico.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
 Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small empayers the latest and the statest are not waters of the united States.
Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Acological Survey 15 Minute Historic quadrangles: U.S. Acological Survey 15 Minute Historic quadrangles: U.S. Acological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic qu

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: PE-RB FILE NUMBER: GP 19942(02)

PROJECT LOCATION INFORMATION	PR	O.	JECT	LOCA	TION	INFOR	MATION
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State:

TX

County:

N/A Offshore

Center coordinates of site (latitude/longitude): 28 00 N, 95 00 W Approximate size of area (parcel) reviewed, including uplands: 1,772,907 acres.

Name of watershed:

Name of nearest waterway: Gulf of Mexico Gulf of Mexico

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: June 20, 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project located offshore within Federal waters of the High Island Outer Continental Shelf Lease Block Area approximately 55 miles southeast of Galveston, TX.

FILE NUMBER: 19942(02) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris ine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☒ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Other information (please specify): Minerals Management Service Gulf of Mexico OCS Lease Map

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DR WASAL

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17328

PROJECT LOCATION INFORMATION:

State:

TEXAS

County:

BRAZORIA

Center coordinates of site (latitude/longitude):

UTM (NAD 27): Z 15, 275323 E, 3209317 N

Approximate size of area (parcel) reviewed, including uplands: 0.059 acres.

Name of nearest waterway: OYSTER CREEK

Name of watershed:

12040205

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 6-23-05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, _ there appear to be (or) _ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

ist. duest. The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the second of the tide and/or are presently used, or have been used in the second of the tide and/or are presently used, or have been used in the second of the tide and/or are presently used, or have been used in the second of the tide and/or are presently used, or have been used in the second of the tide and/or are presently used, or have been used in the second of the tide and/or are presently used, or have been used in the second of the tide and/or are presently used, or have been used in the second of the tide and/or are presently used, or have been used in the second of the tide and/or are presently used, or have been used in the second of the tide and/or are presently used. the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wenanus.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, and the presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, and presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, and presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, and presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, and presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams). sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Lat	Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank I the presence of litter and debris Changes in the character of soil Activation of terrestrial vegetation Shelving Ordinary High Water Mark indicated by: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics I tidal gages other: Other: AS STATED BY APPLICANT
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas E	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
•	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA R	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: FREEPORT, TEXAS U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23813

PR	OJECT	LOCA	TION	INFOR	MATION:

State:

TEXAS

BRAZORIA

County: Center coordinates of site (latitude/longitude):

UTM (NAD 27): Z 15, 292004 E, 3219578 N

Approximate size of area (parcel) reviewed, including uplands: 75 acres.

Name of nearest waterway: WEST GALVESTON BAY

Name of watershed: 12040204

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 6-23-05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit the limit there appear to be no "waters of the limit there appear to be no "waters of the limit the limit the limit the limit there appear to be no "waters of the limit the lim United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23813

	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) rdinary High Water Mark indicated by:
	ean High Water Mark indicated by:] survey to available datum; physical markings; vegetation lines/changes in vegetation types. Vetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Th Ur He Th	Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
Ma Da Da Da Co U.S U.S U.S Na Sta FE 100 Ae Ad Site Ap	ATEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): aps, plans, plots or plat submitted by or on behalf of the applicant. tat sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): tat sheets prepared by the Corps. prs' navigable waters' studies: S. Geological Survey Hydrologic Atlas: S. Geological Survey Hydrologic Atlas: S. Geological Survey 7.5 Minute Topographic maps: CHRISTMAS POINT, TEXAS S. Geological Survey 15 Minute Historic quadrangles: S. Geological Survey 15 Minute Historic quadrangles: S. DA Natural Resources Conservation Service Soil Survey: tional wetlands inventory maps: tte/Local wetland inventory maps: MA/FIRM maps (Map Name & Date): 0-year Floodplain Elevation is: (NGVD) rial Photographs (Date): vanced Identification Wetland maps: e visit/determination conducted on: plicable/supporting case law: her information (please specify):

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17310

	PRO	\mathbf{OJE}	CT	LOCA	TION	INFOR	MATION:
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State:

TEXAS

County:

MATAGORDA

Center coordinates of site (latitude/longitude):

UTM (NAD 27): Z 15, 247864 E, 3187030 N

Approximate size of area (parcel) reviewed, including uplands: 0.069 acres. Name of nearest waterway: GULF INTRACOASTAL WATERWAY

Name of watershed: 12090402

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 6-23-05 Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(2) The presence of interstate waters including interstate waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

La	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank High Tide Line indicated by: oil or scum line along shore objects
	the presence of litter and debris fine shell or debris deposits (foreshore)
	☐ changes in the character of soil ☐ physical markings/characteristics ☐ destruction of terrestrial vegetation ☐ tidal gages
	shelving State By APPLICANT
	other:
8	Mean High Water Mark indicated by:
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
200	s For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands.
72	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Other (explain).
DATA E	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.
	Data sheets prepared/submitted by or on behalf of the applicant.
	This office concurs with the delineation report, dated , prepared by (company):
	This office does not concur with the delineation report, dated , prepared by (company):
	Data sheets prepared by the Corps. Corps' navigable waters' studies:
33	U.S. Geological Survey Hydrologic Atlas:
Ø	U.S. Geological Survey 7.5 Minute Topographic maps: CEDAR LAKE WEST, TEXAS
33	J.S. Geological Survey 7.5 Minute Historic quadrangles:
<u> </u>	J.S. Geological Survey 15 Minute Historic quadrangles:
岩	USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps:
ij	State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date):
	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date): Other photographs (Date):
	Advanced Identification Wetland maps:
	Site visit/determination conducted on:
	Applicable/supporting case law:
	Other information (please specify):

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23786

PROJECT LOCATION INFORMATION	PR	o	JE	CT	L	OC.	ΑT	OI	N	INI	FO	R	M	A	TI	O	N	•
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State:

TEXAS

County:

BRAZORIA

Center coordinates of site (latitude/longitude):

UTM (NAD 27): Z 15, 247902 E, 3210983 N

Approximate size of area (parcel) reviewed, including uplands: 0.01 acres.

Name of nearest waterway: SAN BERNARD RIVER Name of watershed: 12090401, SAN BERNARD

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 6-23-05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\simeg\) there appear to be (or) \(\simeg\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23786

Lat	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 3						
	Ordinary High Water Mark indicated by:	High Tide Line indicated by:					
	clear, natural line impressed on the bank	oil or scum line along shore objects					
	the presence of litter and debris	fine shell or debris deposits (foreshore)					
	changes in the character of soil	physical markings/characteristics					
	destruction of terrestrial vegetation	tidal gages					
	shelving	other: AS STATED BY APPLICANT					
	other:	,,,,					
	Mean High Water Mark indicated by:						
******	survey to available datum; physical markings; vegeta	tion lines/changes in vegetation types.					
		non miles entanges in vegetation sypes.					
	Wetland boundaries, as shown on the attached wetland delineati	on map and/or in a delineation report prepared by:					
Bas	asis For Not Asserting Jurisdiction:						
	The reviewed area consists entirely of uplands.						
131	Unable to confirm the presence of waters in 33 CFR part 328(a)	(1, 2, or 4-7).					
93	Headquarters declined to approve jurisdiction on the basis of 33	CFR part 328.3(a)(3).					
II	The Corps has made a case-specific determination that the follow	wing waters present on the site are not Waters of the					
············	United States:						
	Waste treatment systems, including treatment ponds or la	agoons, pursuant to 33 CFR part 328.3.					
	Artificially irrigated areas, which would revert to upland						
	Artificial lakes and ponds created by excavating and/or of						
	retain water and which are used exclusively for such pur						
	rice growing.						
	Artificial reflecting or swimming pools or other small or	namental bodies of water created					
	by excavating and/or diking dry land to retain water for p						
	Water-filled depressions created in dry land incidental to						
	the purpose of obtaining fill, sand, or gravel unless and u						
	abandoned and the resulting body of water meets the def						
	328.3(a).	inition of waters of the Clined States found at 33 Cl R					
	Isolated, intrastate wetland with no nexus to interstate co	mmerce					
	Prior converted cropland, as determined by the Natural R						
	Thoi converted cropiand, as determined by the ivatural is	esources conservation our vice. Explain rationale.					
	Non-tidal drainage or irrigation ditches excavated on dry	land. Explain rationale:					
	Other (explain):	•					
	_						
DATA	REVIEWED FOR JURSIDICTIONAL DETERMINATION (
	Maps, plans, plots or plat submitted by or on behalf of the applic	ant.					
	Data sheets prepared/submitted by or on behalf of the applicant.						
		prepared by (company):					
-	This office does not concur with the delineation report, dated	d , prepared by (company):					
	Data sheets prepared by the Corps.						
	Corps' navigable waters' studies:						
	U.S. Geological Survey Hydrologic Atlas:						
<u> </u>	U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: BRAZORIA, TEXAS						
	U.S. Geological Survey 7.5 Minute Historic quadrangles:						
	U.S. Geological Survey 15 Minute Historic quadrangles:						
77 (7 c 17 c 17 c	USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): AS SUBMITTED BY APPLICANT ON 5-2-05						
33							
Ħ							
M	Other photographs (Date): AS SUBMITTED BY APPLICANT (ON 5-2-05					
(E)	Advanced Identification Wetland maps:						
	Site visit/determination conducted on:						
	Applicable/supporting case law:						
86.5							
	Other information (please specify):						

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17329

PROJECT LOCATION INFORMATION:

State:

TEXAS

County:

MATAGORDA

Center coordinates of site (latitude/longitude):

UTM (NAD 27): Z 15, 241927 E, 3184750 N

Approximate size of area (parcel) reviewed, including uplands: 0.0197 acres. Name of nearest waterway: UNNAMED CANAL OFF CANEY CREEK

Name of watershed: 12090402

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 6-23-05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the appear to be no "waters of the appear to be no "waters" United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Lat	Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank I the presence of litter and debris Changes in the character of soil D destruction of terrestrial vegetation Shelving Ordinary High Water Mark indicated by: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages Other: AS STATED BY APPLICANT
22	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA R	EEVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: SARGENT, TEXAS U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute H

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